

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD LEHMAN, on behalf of himself and )  
others similarly situated, )

No. 2:13-cv-01835

Plaintiffs, )

v. )

STIPULATION AND ORDER  
CERTIFYING CLASS ACTION,  
DEFINING CLASS MEMBERSHIP,  
NAMING CLASS REPRESENTATIVE,  
AND NAMING CLASS COUNSEL

WARNER NELSON; WILLIAM BECK, JR., )  
BRIAN BISH, KLAAS A. DeBOER; )  
MICHAEL G. MARSH; ROCKY SHARP; )  
RICHARD BAMBERGER; DENNIS CALLIES, )  
CLIF DAVIS, TIM DONOVAN; HARRY )  
THOMPSON; GARY YOUNGHANS; CLINT )  
BRYSON; MICHAEL CHURCH; MICHAEL )  
DOYLE; GREG ELDER; GLEN FRANZ; )  
GARY GONZALES; CARL D. HANSON; )  
PATRICK POWELL; GARY PRICE; SCOTT )  
STEPHENS; ROGER TOBIN; and GRANT )  
ZADOW, in their capacity as Trustees of the )  
IBEW Pacific Coast Pension Plan, )

Defendants. )

**STIPULATION**

The parties, by and through their respective undersigned counsel, have conferred regarding  
Plaintiffs' proposed class definition, as presented in Plaintiffs' pending Motion for Class  
Certification ("Motion"), ECF No. 52, which has been re-noted for hearing Dec. 5, 2014, ECF No.  
55. The parties agree that the class definition as proposed in the Motion is appropriate, with the  
substitution of the phrase "IBEW Pacific Coast Pension Plan and/or the National Electrical  
Industry Pension Reciprocal Agreement" with the phrase "IBEW Pacific Coast Pension Plan's  
adoption of the National Electrical Industrial Pension Reciprocal Agreement" in section (2) of the

proposed class definition. *See* ECF No. 52. The new proposed class definition, as stipulated to and agreed upon by the parties, defines the proposed class as including any individual:

- (1) on whose behalf contributions were required to be made to the IBEW Pacific Coast Pension Plan pursuant to the terms of a collective bargaining agreement at any time from July 1, 2008 to present; and
- (2) who had requested that such contributions be transferred to another pension fund pursuant to the terms of the IBEW Pacific Coast Pension Plan's adoption of the National Electrical Industry Pension Reciprocal Agreement; and
- (3) who did not have such contributions transferred in full, but instead, all or a portion of such contributions were withheld by the IBEW Pacific Coast Pension Plan, its agents, employees, fiduciaries, affiliates, or service providers.

The parties respectfully request the Court adopt the class definition proposed above and certify the proposed class in this case. In addition, the parties request the Court name Plaintiff Richard Lehman as Class Representative and Davis Wright Tremain LLP as Class Counsel. The parties further agree that the Court's entering of the proposed order herein shall render Plaintiff's Motion, ECF No. 52, moot.

Stipulated to and jointly presented this 2<sup>nd</sup> day of December, 2014 by:

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Richard Lehman and the Class

THE URBAN LAW FIRM  
Attorneys for Defendants

By: \_\_\_\_\_  
Richard J. Birmingham, WSBA #8685  
Joseph P. Hoag, WSBA #41971  
1201 Third Avenue, Suite 2200  
Seattle, Washington 98101-3045  
Telephone: (206) 622-3150  
Fax: (206) 757-7700  
E-mail: richardbirmingham@dwt.com  
josephhoag@dwt.com

By: /s/ Nathan R. Ring \_\_\_\_\_  
Michael A. Urban, WSBA #20251  
Nathan R. Ring, WSBA #46271  
800 Bellevue Way NE, Suite 400  
Bellevue, WA 98004  
Telephone: (425) 646-2394  
Fax: (425) 462-5638  
E-mail: murban@theurbanlawfirm.com  
nring@theurbanlawfirm.com

**ORDER**

Based on the foregoing stipulation of counsel, and on the pleadings and papers filed in this matter, IT IS SO ORDERED:

1. The Court hereby certifies this action as a class action.
2. The class in this class action shall be comprised of all individuals:
  - a. on whose behalf contributions were required to be made to the IBEW Pacific Coast Pension Plan pursuant to the terms of a collective bargaining agreement at any time from July 1, 2008 to present; and
  - b. who had requested that such contributions be transferred to another pension fund pursuant to the terms of the IBEW Pacific Coast Pension Plan's adoption of the National Electrical Industry Pension Reciprocal Agreement; and
  - c. who did not have such contributions transferred in full, but instead, all or a portion of such contributions were withheld by the IBEW Pacific Coast Pension Plan, its agents, employees, fiduciaries, affiliates, or service providers.
3. The Court hereby names Richard Lehman as Class Representative in the instant matter.
4. The Court hereby names Davis Wright Tremaine LLP as Class Counsel in the instant matter.
5. Plaintiffs' Motion for Class Certification, ECF No. 52, is hereby stricken.

DATED this 4<sup>th</sup> day of December 2014.



**RICARDO S. MARTINEZ**  
UNITED STATES DISTRICT JUDGE